

REMARKS

In the instant application, Claims 1-25 are pending. Claim 1 has been amended, Claim 4 has been cancelled and Claims 8-25 have been withdrawn from consideration. Applicants respectfully submit that no new matter has been added by the present amendments. Support for the amendments can be found generally throughout the Applicants disclosure, specifically at page 7, line 17 and page 5, line 16. Reconsideration of the pending claims in view of the following remarks is respectfully requested.

Claim Rejection Under 35 U.S.C. § 102/103

Claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over US Patent No. 3,639,301 (Youker). Applicants respectfully traverse this ground of rejection and incorporate herein their previously filed remarks.

Applicants submit to anticipate a claim the cited art must teach each and every element of the claimed invention, either explicitly or inherently. And similarly, to render a claim obvious the cited reference must provide a clear teaching, suggestion or motivation to one skilled in the art at the time just before the invention was made to modify the cited art to arrive at the claimed invention. Applicants submit that Youker neither teaches each and every element of the claimed invention, either explicitly or inherently, nor does it render the present invention obvious.

According to the Office Action, Youker at column 2, lines 20-28 discusses heat aging and the solids content (gel). Namely, according to the Office Action, Youker teaches a solid content of 60%. Therefore, according to the Office Action, it is reasonable to presume that the initial solids content is lower and less than 30% given the desirability to heat age and raise the solids content. Applicants disagree with the interpretation of Youker.

First, Applicants submit solids content is not a synonym for gel content. As noted in Table 1 of the present application, both the solids content and the gel content are disclosed. Applicants submit one skilled in the art can not assume the gel content of Youker based on the solids content disclosed therein. Accordingly, Applicants have performed the following experiment and synthesized a chloroprene latex according to the process disclosed in Youker et al. The results appear in the following Tables (presented in accordance with the Tables in the present invention).

According to US 3,639,301 (Youker) a chloroprene latex was synthesized as Example G below. As illustrated in Table 1 below, a dispersion according to Youker has a gel content of 60 % and a solids content of 45%. And after storage the dispersion at 7 days/60°C the pH changes from 12.7 to 9.6., see Table 2a below. Applicants submit these results correlate with the disclosure of Youker at Column 1, lines 67-68). However, dispersion according to the present invention does not have a significant drop in pH after storage. See Table 2a, page 16, of the present invention, wherein the dispersion according to the present invention has a pH of 12.4 to 12.6. Further, Table 2c illustrates that the dispersion according to Youker is completely different from the present invention regarding to the initial strength and soft point.

Table 1a.

Disp. from ex.	Regulator (%)	Poly temp. (°C)	Conversion (%)	Gel Content (%)	Gel content in % after condit		
					1d	2d	3d
G	0	40	94	60	-	-	-

Table 1b. Increase in the solids content of the dispersions by creaming.

Example	11
Dispersion	G
Days cond. at 80°C	0
Gel content %	60
Solids in %	45
pH	12.7

Table 2a. Influence of the storage temperature on the pH of the dispersions.

Example	11
Dispersion	G
Days cond. at 80°C	0
Gel content %	90
pH before storage	12.7
pH after storage	9.6

Table 2c.

Example	11
Gel content	60
Initial strength (N/mm)	0.6
Soft point °C	143

Second, Applicants submit Youker teaches the production of Neoprene latex Type A and Type B. According to Youker these are prepared according to the procedure of Example 1 of US 2,405,724 (column3, line 9 - 17). Example 1 of US 2,405,724 teaches that the polymerization for obtaining the neoprene latex is carried out until it was **substantially complete** (col. 3, line 9). From the expression "until the polymerization was substantially complete" a person of ordinary skill in the art knows that the polymerization was conducted up to a monomer conversion of at least 95 %. From the polymerization conditions of Example 1 in US 2,405,724 a person skilled in the art further knows that the polymerization product obtained has a gel content of at least 90 %. If such a polymer latex is exposed to an aging process according to the presently claimed invention one skilled in the art would expect an even **higher gel content** would be obtained. Therefore, Applicants submit the gel content of the product according to Youker is distinctly different from the gel content of the aqueous polymer dispersion according to the present invention.

Third, Applicants submit Example B in the present application at page 11 is similar to Example 1 in Youker. As illustrated in Table 1 of the present invention, similar polymerization conditions were employed, such as temperature, and the polymers obtained have a gel content of 60 % by weight. The product of Example B is not CH-8034

suitable for the preparation of adhesive formulations according to the present invention due to high gel content. Given such similarities between the comparison Example B of the present invention and Example 1 of Youker, one would not be motivated to modify the teachings of Youker in order to achieve the presently claimed invention. There is no mention of the gel content prior to creaming in Youker, and certainly no suggestion that starting with a lower gel content could lead to a preparation suitable for adhesive formulations.

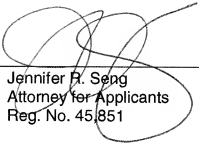
According to Youker, an improved polychloroprene latex is useful for making polyisocyanide-modified foams is disclosed. There is no indication in Youker concerning the use of specific aqueous polychloroprene dispersion formulations having a specific gel content which are obtainable by a specific process comprising step a) and b) according to Claim 1 of the present invention.

Accordingly, Applicants submit Youker fails to render the present invention obvious to one skilled in the art at the time the invention was made. Therefore, Applicants request withdrawal of this ground of rejection and Applicants submit the present invention is in condition for allowance.

The USPTO is hereby authorized to charge any fees, including any fees for an extension of time or those under 37 CFR 1.16 or 1.17, which may be required by this paper, and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully submitted,

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